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EXAMINER	
VAN HANDEL, MICHAEL P	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/841,149	SAHOTA, RANJIT	
	Examiner	Art Unit	
	MICHAEL VAN HANDEL	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date. _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 10/03/2008. Claims **1-27** are pending. Claims **1**, **8**, **15**, **20**, **24**, **27** are amended.

Response to Arguments

1. Applicant's arguments regarding claims **1**, **8**, **15**, **20**, **24**, and **27**, filed 10/03/2008, have been fully considered, but they are not persuasive.

Regarding claims **1**, **8**, **15**, **20**, **24**, and **27**, the applicant argues that Marler et al. neither teaches nor suggests creating integrated video data stream by integrating interactive content with an unmodified video data stream in response to one or more triggers based on one or more rules. The examiner respectfully disagrees. As noted in the Office Action mailed 04/04/2008, Marler et al. teaches a content creator 12 that originates enhancement data (or other type of ancillary information) and television content (or other type of content including audio and/or video data), the combination of which is referred to as enhanced television content (p. 1, paragraph 13 & Fig. 1). The examiner interprets this as "creating an integrated video data stream," as currently claimed. Marler et al. teaches that the content creator creates ATVEF triggers to synchronize the enhancement data with the TV transmission (p. 2, paragraph 21). The ATVEF triggers are commands associated with real time events for enhanced television programs (p. 4, paragraphs 38, 40, 41, & Fig. 5). Therefore, the examiner interprets the triggers as being "based on one or more rules," as currently claimed. Since the triggers are real time events that synchronize the

enhancement data with the TV transmission, this meets the limitation of "automatically integrating … interactive content with an unmodified video data stream comprised of television (TV) broadcast content," as currently claimed. The content creator transmits the TV content and enhancement content to the receivers by way of a transport operator system. The examiner interprets this as "transmitting the integrated video data stream to one or more receivers for display," as currently claimed.

The applicant specifically argues that the triggers discussed by Marler et al. are part of the interactive content. Applicant further specifically argues that there is no integrated video data stream being created by integrating interactive content with an unmodified video data stream in response to one or more triggers based on one or more rules. The examiner respectfully disagrees. Marler et al. discloses that a trigger is used to synchronize enhancement data with a TV transmission and that a resource includes one or more files that contain the enhancement data (p. 2, paragraph 21). Triggers are real time events delivered for enhanced television programs and may include a uniform resource locator (URL), a human readable name, an expiration date, and script (p. 4, paragraph 38). That is, triggers are used to retrieve interactive content and to synchronize the interactive content with a television program, but are not part of the interactive display content itself. Applicant still further argues that even if the synchronization of enhancement data with TV transmission is considered to be equivalent to integration of interactive content in video data stream, the integration is not happening in an unmodified video data stream, as the video stream was already enhanced before the event was triggered. The examiner respectfully disagrees. Marler et al. discloses that the enhancement data can be transmitted over a link that is separate from the medium used to transmit A/V content

or that the A/V content can be transmitted in a separate transport stream from the enhancement data (p. 2, paragraph 23). As such, the examiner maintains that the TV program is unmodified until the enhancement content is triggered.

The examiner further notes that Marler et al. discloses that the transport operator system 14 receives enhancement data and A/V content from the content creator over separate ports (p. 2, paragraph 26). The controller runs under control of a software routine 108. Instructions and data of the routine are stored in the storage medium 104. The controller 104 creates special announcements to be transmitted with enhancement data over a separate link (p. 3, paragraph 26). This also meets the limitation of "creating an integrated video data stream by automatically integrating, in response to one or more triggers based on one or more rules, interactive content with an unmodified video data stream comprised of television (TV) broadcast content ... and transmitting the integrated video data stream to one or more receivers for display," as currently claimed.

Further regarding claims **1**, **8**, **15**, **20**, **24**, and **27**, the applicant argues that Zdepski et al. neither teaches nor suggests creating an integrated video data stream by integrating interactive content with an unmodified video data stream in response to one or more triggers based on one or more rules. The examiner respectfully disagrees. Zdepski et al. discloses a remote network that inserts a trigger within the vertical blanking interval (VBI) of a television signal and transmits the signal to a digital broadcast station. A VBI decoder at the broadcast station extracts the trigger from the signal and provides the extracted trigger to a server, which controls the loading or playing of an interactive program as identified by the trigger. The remainder of the digitized television signal is provided to a video encoder, where it is compressed. The examiner

notes that the remainder of the digitized television signal was not modified. An AVI (audio-video interactive) generation unit of the digital broadcast station then combines the compressed television signal and the interactive program to form an AVI signal to be broadcast to end users (col. 2, l. 23-36). The examiner interprets this as "creating an integrated video data stream by automatically integrating, in response to one or more triggers" "interactive content with an unmodified video data stream comprised of television (TV) broadcast content … and transmitting the integrated video data stream to one or more receivers for display," as currently claimed. Zdepski et al. further discloses that the trigger is an interactive command to control an interactive program associated with the television signal (col. 2, l. 51-55). As such, the examiner interprets the trigger as being "based on one or more rules," as currently claimed.

Still further regarding claims **1**, **8**, **15**, **20**, **24**, and **27**, Applicant argues that the triggers of Zdepski et al. are part of the interactive content and are not triggers based on which interactivity gets integrated in an unmodified data stream. The examiner respectfully disagrees. Zdepski et al. discloses that the triggers are commands to control the loading or playing of an interactive program identified by the trigger. An AVI generation unit of the digital broadcast station combines the compressed television signal and the interactive program to form an AVI signal based on the trigger (col. 2, l. 20-36). That is, the triggers of Zdepski et al. control the integration of interactive content with a television signal, but are not part of the interactive content transmitted to the end-users.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims **24-27** are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. Claims 24-27 are directed to a machine-readable medium; however, Applicant's specification states that a machine-readable medium provides (i.e., stores and/or transmits) information in a form readable, e.g., by a CPU 134. Applicant's specification further states that the code or instructions stored in memory devices may be represented by carrier wave signals, infrared signals, digital signals, or by other like signals (p. 7, paragraph 31 of Applicant's specification). The examiner notes that a claim directed to a signal or a law of nature *per se* does not appear to be a process, machine, manufacture, or composition of matter. See **MPEP 2106.01** for guidance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1**, **8**, **15**, **20**, **24**, and **27** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2001/0003212 to Marler et al. (Marler).

Referring to claims **1**, **8**, **15**, **20**, **24**, and **27**, Marler teaches a content creator (12) providing enhancement data and television content to be transmitted by the transport operator (14) (p. 1, paragraph 13) to receivers (16). Marler teaches in response to one or more ATVEF triggers based on one or more rules (p. 2, paragraphs 20-22 & p. 4, paragraphs 38, 40, 41), creating an integrated video data stream by integrating interactive content with an unmodified video stream (p. 3, paragraphs 31, 32) and transmitting the integrated video data stream to one or more receivers for display (p. 2, paragraphs 24, 26 & p. 3, paragraphs 27, 30 – see separate transport stream).

Marler et al. further teaches a transport operator 14 that receives A/V content and enhancement content from a content creator 12 over separate ports (p. 2, paragraph 26 & Fig. 1). The controller 106 of the transport operator runs under control of a software routine 108 that is initially stored in a storage medium 104 and loaded by the controller 106 for execution. Instructions and data of the software routine are also stored in the storage medium. The controller creates special announcements to be transmitted with enhancement data over a separate link. The enhancement data and special announcements are then transmitted over a secondary link to the receivers, where the A/V content is enhanced (p. 2, 3, paragraph 26).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao (US 6,459,427) in view of Marler et al (US 2001/0003212).

Referring to claims **1**, **8**, **15**, **20**, **24**, and **27**, Mao discloses a system and method for integrating television content with Internet content. Mao discloses a headend (Fig. 1), which creates an integrated video data stream by automatically integrating interactive web content received or downloaded from the world wide web 110 (Fig. 1) with an unmodified TV broadcast content received from analog TV source 30 or digital TV source 40 via receiver 60 (Fig. 1). Mao further discloses transmitting the integrated content to a client set-top terminal 150 for display on a TV (Fig. 1).

Mao fails to disclose automatically integrating interactive content with a video stream in response to one or more triggers.

In analogous art, Marler teaches a content creator (12) providing enhancement data and television content to be transmitted by the transport operator (14) (p. 1, paragraph 13) to receivers (16). Marler teaches in response to one or more ATVEF triggers based on one or more rules (p. 2, paragraphs 20-22 & p. 4, paragraphs 38, 40, 41), creating an integrated video data stream by integrating interactive content into the video stream (p. 3, paragraphs 31, 32). Consequently, Marler teaches automatically integrating interactive content with a video stream in response to one or more triggers.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mao by automatically integrating interactive content with a video stream in response to one or more triggers, such as that taught by Marler to include the

claimed triggers for the benefit of having a system which automatically inserts interactive content.

Referring to claims **2**, **9**, **18**, and **22**, Mao discloses the additional web based information is a web page about a TV commercial (col. 2, l. 65-67). Necessarily, the web page is advertising content.

Referring to claims **3**, **10**, and **25**, Mao discloses the user can display the associated web page with the TV commercial (col. 2 l. 65-67) and thus discloses linking the interactive content with the TV broadcast.

Referring to claims **4**, **11**, and **26**, Mao fails to disclose displaying the integrated content to allow a user to interact with the interactive content.

Applicant's failure to adequately traverse the Examiner's taking of Official Notice (that it would have been well known to integrate a first content with a second interactive content for the benefit of enhancing a user's viewing experience) in the last Office Action is taken as an admission of the fact(s) noticed. Therefore, it would have been obvious to one of ordinary skill in the art at the time at the time that the invention was made to modify Mao to include the claimed limitation for the benefit of enhancing a user's viewing experience.

Referring to claims **5** and **12**, Mao discloses transmitting the TV broadcast with web pages (col. 4, l. 20-25 & Fig. 1). It is noted that Mao does not disclose modifying the interactive content and the TV broadcast content.

Referring to claims **6** and **13**, Mao fails to disclose the claimed advertising banner.

Applicant's failure to adequately traverse the Examiner's taking of Official Notice (that it would have been well known that displaying an advertising banner both provides displaying

additional information while minimizing obstruction of the primary video content) in the last Office Action is taken as an admission of the fact(s) noticed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mao to include the claimed limitation for the benefit of providing a viewer with additional information while minimizing obstructing viewing of the primary video content.

Referring to claims **7** and **14**, Mao discloses providing customized and targeted integrated content (col. 2, l. 40-45).

Referring to claim **16**, Mao discloses the user can access additional information about a commercial (col. 2, l. 63-65) and thus discloses the claimed limitation.

Referring to claims **17** and **21**, Mao discloses the claimed set-top box 150 (Fig. 1).

Referring to claims **19** and **23**, Mao discloses customizing the interactive content for specific users, but fails to disclose customizing the interactive content for a specific market, group or geographic region.

Applicant's failure to adequately traverse the Examiner's taking of Official Notice (that it would have been well known that targeting commercials for a specific market, group or geographic region efficiently provides targeted advertising to a larger group of people) in the last Office Action is taken as an admission of the fact(s) noticed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mao to include the claimed limitation for the benefit of providing targeted advertising to a larger group of people thus providing a more efficient system for targeting ads.

3. Claims **1-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao (US 6,459,427) in view of Zdepski et al. (US 6,006,256).

Referring to claims **1**, **8**, **15**, **20**, **24** and **27**, Mao discloses a system and method for integrating television content with internet content. Mao discloses a headend (Fig. 1), which creates an integrated video data stream by automatically integrating interactive web content received or downloaded from the world wide web 110 (Fig. 1) with unmodified TV broadcast content received from analog TV source 30 or digital TV source 40 via receiver 60 (Fig. 1). Mao further discloses transmitting the integrated content to a client set-top terminal 150 for display on a TV (Fig. 1).

Mao fails to disclose automatically integrating interactive content with a video stream in response to one or more triggers.

In analogous art, Zdepski teaches automatically integrating interactive content with a video stream in response to one or more triggers based on one or more rules (col. 2, l. 51-55) in that Zdepski teaches a program source (remote network 10/400) for providing trigger information which is received by broadcast station (50/450), wherein the broadcast station automatically integrates interactive content with a video stream in response to a received trigger (col. 2, l. 23-36, 51-55; col. 3, l. 52-58; col. 3, l. 64-67; & col. 4, l. 1-6, 27-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mao by automatically integrating interactive content with a video stream in response to one or more triggers, such as taught by Zdepski to include the claimed triggers for the benefit of having a system which automatically inserts interactive content.

Referring to claims **2**, **9**, **18** and **22**, Mao discloses the additional web based information is a web page about a TV commercial (col. 2, l. 65-67). Necessarily, the web page is advertising content.

Referring to claims **3**, **10** and **25**, Mao discloses the user can displaying the associated web page with the TV commercial (col. 2, l. 65-67) and thus discloses linking the interactive content with the TV broadcast.

Referring to claims **4**, **11** and **26**, Mao fails to disclose displaying the integrated content to allow a user to interact with the interactive content.

Applicant's failure to adequately traverse the Examiner's taking of Official Notice (that it would have been well known to integrate a first content with a second interactive content for the benefit of enhancing a user's viewing experience) in the last Office Action is taken as an admission of the fact(s) noticed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mao to include the claimed limitation for the benefit of enhancing a user's viewing experience.

Referring to claims **5** and **12**, Mao discloses transmitting the TV broadcast with web pages (col. 4, l. 20-25 & Fig. 1). It is noted that Mao does not disclose modifying the interactive content and the TV broadcast content.

Referring to claims **6** and **13**, Mao fails to disclose the claimed advertising banner.

Applicant's failure to adequately traverse the Examiner's taking of Official Notice (that it would have been well known that displaying an advertising banner both provides displaying additional information while minimizing obstruction of the primary video content) in the last Office Action is taken as an admission of the fact(s) noticed. Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to modify Mao to include the claimed limitation for the benefit of providing a viewer with additional information while minimizing obstructing viewing of the primary video content.

Referring to claims **7** and **14**, Mao discloses providing customized and targeted integrated content (col. 2, l. 40-45).

Referring to claim **16**, Mao discloses the user can access additional information about a commercial (col. 2, l. 63-65) and thus discloses the claimed limitation.

Referring to claims **17** and **21**, Mao discloses the claimed set-top box 150 (Fig. 1).

Referring to claims **19** and **23**, Mao discloses customizing the interactive content for specific users but fails to disclose customizing the interactive content for a specific market, group or geographic region.

Applicant's failure to adequately traverse the Examiner's taking of Official Notice (that it would have been well known that targeting commercials for a specific market, group or geographic region efficiently provides targeted advertising to a larger group of people) in the last Office Action is taken as an admission of the fact(s) noticed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mao to include the claimed limitation for the benefit of providing targeted advertising to a larger group of people thus providing a more efficient system for targeting ads.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2424

MVH